101-42

Public Law 101-42
101st Congress

An Act

To provide for restoration of the Federal trust relationship with, and assistance to, the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes.

June 28, 1989
[H.R. 881]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coquille Restoration Act.
25 USC 715 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coquille Restoration Act".

25 USC 715.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) "Tribe" means the Coquille Indian Tribe consisting of the Upper Coquille and the Lower Coquille Tribes of Indians;

(2) "Secretary" means the Secretary of the Interior or his designated representative;

(3) "Interim Council" means the governing body of the Coquille Tribe which serves pursuant to section 8 of this Act;

(4) "Member" means those persons eligible for enrollment under section 7 of this Act and after the adoption of a tribal constitution, those persons added to the roll pursuant to such constitution;

(5) "service area" means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon;

(6) "State" means the State of Oregon; and

(7) "Reservation" means those lands subsequently acquired and held in trust by the Secretary for the benefit of the Tribe.

25 USC 715a.

SEC. 3. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any provision of law, Federal recognition is hereby extended to the Coquille Indian Tribe. Except as otherwise provided herein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its Members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d) of this section, all rights and privileges of this Tribe and of its Members under any Federal treaty, Executive order, agreement or statute or under any other authority, which were diminished or lost under the Act of August 13, 1954 (68 Stat. 724), are hereby restored and provisions of said Act shall be inapplicable to the Tribe and its Members after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its Members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recog-

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nized tribes residing on a reservation, Members of the Tribe in the Tribe's service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act (26 U.S.C. 7871).

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its Members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (48 Stat. 984), as amended, shall be applicable to the Tribe and its Members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

25 USC 715b.

SEC. 4. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for this Tribe;

(2) in accordance with this section and not later than two years after the adoption of a tribal constitution as provided in section 9, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

Real property.

(b) RESTRICTIONS TO BE CONTAINED IN PLAN.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 5 of this Act.

25 USC 715c.

SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided,* That, at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to his authority under the Act of June 18, 1934 (48 Stat. 984).

(b) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Tribe and shall be part of its reservation.

(c) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe under this section shall be exempt from all local, State, and Federal taxation as of the date of transfer.

25 USC 715d.

SEC. 6. CRIMINAL AND CIVIL JURISDICTION.

The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively. Retrocession of such jurisdiction may be obtained pursuant to section 403 of the Act of April 11, 1968 (82 Stat. 77).

SEC. 7. MEMBERSHIP ROLLS. 25 USC 715e.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within one year of the enactment of this Act, the Secretary shall compile a roll of the Coquille Indian Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted, a person shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized tribe, is of Coquille ancestry, possesses at least one-eighth or more of Indian blood quantum and if—

(A) that individual's name was listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960;

(B) that individual was not listed on but met the requirements that had to be met to be listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960; or

(C) that individual is a lineal descendant of an individual, living or dead, identified by subparagraph (A) or (B).

(2) After adoption of a tribal constitution, said constitution shall govern membership in the Tribe: *Provided,* That in addition to meeting any other criteria imposed in such tribal constitution, any person added to the roll has to be of Coquille Indian ancestry and cannot be a member of another federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF COQUILLE ANCESTRY AND DEGREE OF INDIAN BLOOD QUANTUM.—For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Coquille ancestry and the required amount of Indian blood quantum. However, the Secretary shall accept as conclusive evidence of Coquille ancestry information contained in the Coquille roll compiled by the Bureau of Indian Affairs on August 29, 1960, and as conclusive evidence of Indian blood quantum the information contained in the January 1, 1940, census roll of nonreservation Indians of the Grand Ronde-Siletz Agency.

SEC. 8. INTERIM GOVERNMENT. 25 USC 715f.

Until a new tribal constitution and bylaws are adopted and become effective under section 9 of this Act, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Tribal Council of the Coquille Tribe on the date of enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Tribal Council under the tribal bylaws adopted on April 23, 1979. Any new members filling vacancies on the Interim Council must meet the criteria for enrollment in section 7(b) of this Act and be elected in the same manner as are Tribal Council members under the April 23, 1979, bylaws.

SEC. 9. TRIBAL CONSTITUTION. 25 USC 715g.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution for the Tribe. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than one hundred and twenty days after the Tribe adopts a constitution and bylaws, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the tribal constitution. Said election shall be conducted according to the procedures stated in paragraph (a) of this section except to the extent that said procedures conflict with the tribal constitution.

Approved June 28, 1989.

LEGISLATIVE HISTORY—H.R. 881:

HOUSE REPORTS: No. 101-61 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-50 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 135 (1989):
May 23, considered and passed House.
June 14, considered and passed Senate.

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